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SLAVERY  
IN CALIFORNIA AND NEW MEXICO.2974  
14SPEECH OF MR. ORIN FOWLER, 1791-1852  
OF MASSACHUSETTS,  
IN THE HOUSE OF REPRESENTATIVES,

MARCH 11, 1850,

IN COMMITTEE OF THE WHOLE ON THE STATE OF THE UNION, ON THE PRESIDENT'S  
MESSAGE COMMUNICATING THE CONSTITUTION OF CALIFORNIA.

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Mr. FOWLER said:

Mr. CHAIRMAN: I rise with unfeigned diffidence, to express a few thoughts upon the subject now before this House. This diffidence springs, not from a want of confidence in the views I entertain, but from the consciousness of my inability to do justice to the subject on which I propose to speak, and of the superior qualifications of more experienced and more talented men. But as I must share with every member the responsibilities of the present crisis, I venture to give utterance to sentiments, bearing directly and deeply upon the deliberations in which we are engaged. The questions that have arisen in connection with California and the other Territories, recently acquired by the United States, involve the institutions and the destinies of large districts of country, ere long to become populous and powerful States of this Confederacy. To our hands, under Providence, is committed the responsible work of moulding these institutions and shaping these destinies; and hence, it seems to me, there never has been a question pending before this House and this country, embracing more important or more enduring interests, than that upon which we are about to act. Legislation that relates to the concerns of an existing and organized State, may have limits to its influence. Not so that legislation which embodies the fundamental principles, incorporated into the very framework, on which rest the institutions of communities, destined to exist, and to exert influences for good or for evil, on generations yet unborn. In the former case, if legislation be weak, or wicked, subsequent acts may modify, or check, or remove the evil. In the latter case, no constitutional legislation can eradicate the mischief. To us is allotted the work of adopting the organic principles, and framing the fundamental laws, of free and independent States. On no legislative body were ever devolved duties more important—responsibilities more solemn. In the present posture of our public affairs, it becomes us with firmness and discretion to consult, not our passions, but our judgment. No good ever comes, either in private or public affairs, by rousing the passions.

Mr. Chairman, I have no sympathy with any man who repudiates the Constitution of our common country. By that Constitution—much as I could desire that, in a few particulars, it were otherwise—I abide, both in its letter and in its spirit. As the letter of it forbids us from interfering directly with

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slavery in the States, under whose exclusive jurisdiction it is sanctioned, so the spirit of it forbids us from extending slavery over one rod of territory where freedom is enjoyed.

The plea of the slaveholder, that it is unjust and unequal to shut him and his slave property out of territory acquired by the blood and treasure of the whole country, is unfounded. It overlooks that great fact, that human slavery is in opposition to natural right and common law, and that, existing only by municipal regulations, it entitles to no privileges beyond the jurisdiction of those regulations. But, you say, the exclusion of slavery from the new territories will be followed by a dissolution of the Union. I say, I do not believe it—I do not believe it, because I do not believe there would, in that event, be any just cause for a dissolution of the Union; and I do not believe the people will take that terrible step without just cause. As for the rulers—especially the present incumbents, including our honorable selves—we have no power, and no authority whatever, to do that abominable deed. Should any be so insane and so reckless as to attempt it, they will soon discover their folly and their impotency, and have liberty to retire into the shades of obscurity. The people love the Union, and will adhere to it. The Union has made them a prosperous and powerful nation. They look back with joy upon the glorious past, and forward with hope to the yet more glorious future. The political, slaveholding cry of disunion, is an old argument for extending slavery, by exciting the fears of cowering dough-faces. It should be treated as a threadbare humbug. This Union cannot be dissolved by three hundred thousand slaveholders, (about the present number now in the Southern States,) provided its true friends are true to themselves and to the country. The Union is cemented and fortified, not only by its Constitution, and by its institutions of agriculture, and art, and commerce, and education, and religion, but by the clear-headed, strong-handed, lion-hearted power of the Americo-Anglo-Saxon people. Standing firm upon the principles of freedom and of the Constitution, if perchance the disruption of the Union should follow, we shall enjoy the unspeakable solace of an approving conscience; whereas, if by our consent the woes and wrongs of slavery shall be extended into territory now free, the sting of self-reproach, and the consciousness of wrong-doing, would embitter what remains of mortal life—and between doing wrong and suffering wrong, true patriots will not hesitate to choose the latter. To extend slavery—American slavery—the worst kind of slavery that ever existed on the face of the globe, since Adam fell—into territory now free, is a wrong done to humanity—to the rights of humanity, to the friends of humanity. We cannot, we will not, do it, come what may.

On the subject now before us, I will confine my remarks to the consideration of a few practical topics.

THE GREAT PRINCIPLE ON WHICH THE FRAMERS OF THE CONSTITUTION, BOTH NORTH AND SOUTH, ACTED, WAS, THAT SLAVERY SHOULD NOT BE EXTENDED BEYOND THE STATES IN WHICH IT THEN EXISTED, and that its FINAL REMOVAL FROM THE NATION WOULD NOT BE LONG DELAYED.

The compromises of the Constitution, whatever they were, embraced an interchange of obligations. The North said to the South, we will allow you to pursue, recover, and convey back, your slaves, if, being fugitives, they are found on our soil. The South said to the North, as an offset, we will not ask to extend slavery into the common territorial possessions of the Union, and we will agree to terminate the slave trade in 1808. This was the chief compromise of the Constitution, and the great principle on which



its framers and the people at large acted. If I shall succeed in establishing the position I have taken, it will follow that the violations of constitutional compromises are all chargeable to slaveholders, and that the people of the free States, in opposing the extension of slavery, and insisting that the principle of the Ordinance of 1787 (commonly called the Wilmot Proviso) shall be applied to all territory now free, are standing upon high ground—ground occupied by all parties to our national compact, when that compact was formed. To the proof of this position, I now proceed.

I take my first proof from the Declaration of Independence, July 4, 1776 :

“ We hold (say the fathers of the Republic) these truths to be self-evident : that all men (blacks as well as whites) are created equal ; that they are endowed by their Creator with certain inalienable rights ; that among them are life, liberty, and the pursuit of happiness ; and that to secure these rights, Governments are instituted among men.”

To the support of these great principles of liberty and equality for all men, the signers of that declaration, representing the thirteen United States, with a firm reliance on the protection of Divine Providence, mutually pledged to each other “ their lives, their fortunes, and their sacred honor.” This pledge was made by the Representatives of all the States. To maintain and establish these principles of liberty and equality for all men in this nation, the war of the Revolution was waged, and its blood and treasure expended.

To show that this declaration of liberty and equality for all, was intended to apply to the colored people, as well as the white people, and that it looked to the early termination of slavery, I refer to a few, of many testimonials, of the sentiments of the prominent men who were first and foremost in making and supporting it. In the Federal Convention that formed the Constitution, Gouverneur Morris said :

“ He never would concur in upholding domestic slavery. It was a nefarious institution. It was the curse of Heaven on the States where it prevailed. \* \* \* \* Upon what principle is it, that the slaves shall be computed in the representation ? Are they men ? Then make them citizens, and let them vote. Are they property ? Why, then, is no other property included ? \* \* \* \* The admission of slaves into representation, when fairly explained, comes to this : that the inhabitant of Georgia and South Carolina, who goes to the coast of Africa, and, in defiance of the most sacred laws of humanity, tears away his fellow-creatures from their dearest connections, and damns them to the most cruel bondage, shall have more votes in a Government, instituted for the protection of the rights of mankind, than the citizen of Pennsylvania, or New Jersey, who views with a laudable horror so nefarious a practice. \* \* \* \* And what is the proposed compensation to the Northern States, for a sacrifice of every principle of right, of every impulse of humanity ? ”—*Vide Madison Papers, Vol. III, pp. 1263-4.*

Colonel George Mason, of Virginia, said :

“ Slavery discourages arts and manufactures. The slaves produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country. As nations cannot be rewarded or punished in the next world, they must be in this. By an inevitable chain of causes and effects, Providence punishes national sins by national calamities. I hold it essential, in every point of view, that the General Government should have power to prevent the increase of slavery.”—*Vide Madison Papers, Vol. III, p. 1391.*

Said Mr. Ellsworth, of Connecticut :

“ Slavery, in time, will not be a speck in our country.”—*Same Volume, p. 1392.*

Mr. Sherman, of Connecticut, said :

“ He was opposed to a tax on slaves, because it implied they were property.”—*Ditto, p. 1396.*

This is a specimen of the noble sentiments that were entertained and expressed by the patriotic men who formed the Constitution.



I take my second proof from the Ordinance of 1787.

The war of independence being closed, Virginia and other States conveyed to the United States, as their joint and common property, the territory northwest of the Ohio. By the Ordinance of July 13, 1787, slavery was forever excluded from that territory. The Ordinance was passed unanimously, as to States; and, with a single exception, unanimously as to individual members; and that exception was Mr. Yates, of New York. It was a unanimous decision of the whole country against the extension of slavery. The sixth article of the Ordinance reads thus:

"There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid."

This sixth article stipulates two things—first, that slavery shall never be extended into the Northwest Territory; and secondly, that fugitives may be lawfully reclaimed. This was the great compromise upon which was based the formation of our existing Constitution. By the Ordinance it was settled that slavery should be forever excluded from the Northwest Territory. By the Ordinance it was settled that fugitives in that territory might be reclaimed. And freedom being thus secured by the Ordinance, it was provided by the Constitution, that the guaranties for the recovery of fugitives, made by the Ordinance, should extend to all the States—as well to the old States, as to those to be formed out of new territory. The non-extension of slavery was secured by the Ordinance passed the same year—perhaps the same month—the Constitution was formed; and the compromise settled by those simultaneous decrees was, non-extension of slavery on the one side—reclamation of fugitives on the other. The recovery of fugitives only binds the free States to suffer it to be done—so the Supreme Court has decided. That tribunal held, that the power to secure fugitives from service to be delivered up, is a power to be exercised only under the authority of the Government of the United States. This provision for the recovery of fugitives, thus understood, is sufficiently humiliating to republicans. It should be here, as in our father-land, that whoever treads our soil, wears no chains; whoever breathes our air is a freeman.

My third proof is found in the main design of the Constitution. That design is thus stated in the preamble: "We, the people of the United States, ordain this Constitution, in order to establish justice, and secure the blessings of liberty to ourselves and our posterity."

By the Declaration of Independence, it was affirmed that all men "were created equal," and "were endowed by their Creator with the inalienable rights of life, liberty, and the pursuit of happiness." That declaration had been maintained by the blood and treasure of patriotic men; and now, "to establish the principles of justice," and secure "the blessings of liberty" to all the people of this nation, the Constitution was ordained and adopted. To secure justice," and "the blessings of liberty" to all—this was the noble design of organizing this Government upon its republican basis. Slavery in principle and in practice conflicts with this design. It neither secures justice nor the blessings of liberty. It subverts and destroys them. It makes a rational and immortal man, property. It crushes whatever is noble in humanity beneath its leaden chains. It binds in fetters of iron, the mind as well as the body. It silences the first waking of intellect in its hapless victim, as though it were the signal of insurrection. You speak of the pro-



vision which slavery makes for the physical necessities of its victim, as a real mitigation of his burning wrongs. This is cruel. You plead his apparent happiness as an alleviation of his degraded condition, when it is conceded he must first be stripped of liberty before he can rejoice in bondage. This is worse than cruelty. The extension of slavery into new territory, indeed its continuance anywhere, is in direct and open conflict with the paramount design of the Constitution, and cannot be countenanced by the consistent friends and supporters of that charter of our rights.

My fourth proof is found in the constitutional provision against the importation of slaves after the year 1808. At the time the Constitution was formed and adopted, the slave power was a hesitating petitioner for license to exist only for a season. It was the common sentiment of the country, and of the world, that if the slave-trade were abolished, slavery would languish, and soon die out. Clarkson, Wilberforce, and others, in England—Franklin, Rush, Rittenhouse, Jay, Sherman, and others, in this country—were full and firm in this opinion. They, and the fathers generally, believed, that by cutting off the foreign supply, and thus drying up the fountain, the effect would be, the speedy termination of slavery. Hence it was deemed, that a great point for freedom was gained by clothing Congress with constitutional power to prohibit the foreign slave trade. It was regarded, both North and South, as clothing the Government with authority to secure the entire removal of slavery from the nation. Hence the word *slave*, was designedly kept out of the Constitution, that in after ages, when slavery should be done away, no trace of its existence should leave its foul stain upon that noble instrument.

Mr. Madison said in the Convention :

"I think it wrong to admit the idea, in the Constitution, that there can be property in man."

In so saying, he only echoed the sentiments of other members.

Said Mr. Iredell, of North Carolina, in the Convention of that State, when the adoption of the Constitution was opposed, on the ground of this clause relating to the slave-trade:

"When the entire abolition of slavery takes place, it will be an event which must be pleasing to every generous mind and every friend of human nature."—*Elliott's Debates*.

Mr. Wilson, of Pennsylvania, speaking of this clause, said:

"I consider it as laying the foundation for banishing slavery out of the land. The new States, that are to be formed, will be under the control of Congress in this particular, and slaves will never be introduced among them."—*Vide Elliott's Debates*.

In 1789, Hon. Josiah Parker, a member of the first Congress under the Constitution, from Virginia, speaking with reference to this article of the Constitution, said:

"He hoped Congress would do all in their power to restore to human nature its inherent privileges, and, if possible, wipe off the stigma which America labored under. The inconsistency of our principles, with which we are justly charged, should be done away, that we may show by our actions, the pure beneficence of the doctrine we held out to the world in our Declaration of Independence."

Such were the publicly avowed sentiments of a man whom Virginia five times re-elected to Congress.

Colonel Bland, of the same State, said :

"He wished slaves had never been introduced into America ; but as it was impossible, at this time, to cure the evil, he was very willing to join in any measures that would prevent its extending further."

This is only a specimen of the avowed opinions of the leading men of that period. It was under the influence of such opinions that the Constitution



was formed. All parties believed and agreed, that, after 1808, slavery was soon to retire from the land. They all intended to carry out the Declaration of Independence, and cause this to be a land of freedom for all people. They were willing slavery should exist for a period, that it might prepare itself to die; but they no more intended the perpetuity of human slavery in this free Republic, than they intended to put again upon their necks the yoke of despotism which they had broken. I need not stop here to show that the interdiction of the African slave-trade has secured the entire home-market to the domestic slave breeder, and thus operated, unexpectedly, to keep the institution of slavery alive—for this does not affect the argument.

Mr. Chairman, I submit that it is thus proved—from the Declaration of Independence—from the Ordinance of 1787—from the design of the Constitution—and from the clause interdicting the slave-trade after 1808, that the framers of the Constitution, both North and South, and the people who adopted it, acted upon the principle that slavery was not to be extended beyond the States in which it then existed, and that its final removal would not be long delayed.

This great principle, I proceed to show, has been faithfully observed and carried out at the North, and entirely violated at the South. How was it at the North? Let history answer. She had slaves, but she treated them as men, physically, intellectually, morally. She believed that man is not a machine to be driven by wind or steam; nor a beast to be urged to his task, by the goad or the spear; nor a slave to crouch like Issachar, between two burdens, and come and go at the *bidding* of another; but that every man is a *man*, and has the *rights* of a man; and accordingly, the work of emancipation at the North was commenced and nearly finished, before the year 1808 arrived. Massachusetts abolished slavery within her limits in 1780; and when she formed her Constitution, she embodied the act of abolition in her bill of rights. New Hampshire followed her example in 1792, and Vermont in 1793. Pennsylvania passed laws for the gradual extinction of slavery in 1780, Connecticut and Rhode Island in 1784, New York in 1799 and 1817, and New Jersey in 1804. Maine, Ohio, Indiana, Illinois, Michigan, Wisconsin, and Iowa, never recognised the existence of slavery within their borders, as independent States. The principles of the Constitution were thus carried out, in good faith, by the North, and the final removal of slavery from her borders was completed more than thirty years ago.

How was it with the South? Sixty years have rolled away since the Constitution was adopted; and what has the South done to carry out the principles of human liberty and equal justice, embodied in the Declaration and in the Constitution? What has she done to secure justice and the blessings of liberty to all who are surrounded by the ensigns of a people that never cease their boast of freedom. Immediately after the adoption of the Constitution, societies for the abolition of slavery were organized in Virginia, Maryland, North Carolina, perhaps other Southern States—in which societies, some of the very men who formed the Constitution, including, it is believed, Washington and Jefferson, were actually engaged; and for a course of years, there seemed ground of hope that, in no long time, all the States would be free, and the banner of liberty would wave over every section of the Republic. The year 1808 arrived: the slave-trade was abolished by the act of Congress. That done, twelve years passed: they were years of progress in agriculture, in the arts, in knowledge, in education, in everything that gives strength and wealth and hope to a people, anxious to plant the seeds of liberty and justice, with the corner-stones of all their institutions.



A new crisis came: Missouri applied for admission into the Union as a State. The application, after a long and anxious struggle, was successful. Missouri was admitted as a slave State in 1820, and in the act providing for the admission, there was a clause inserted, usually, but falsely, termed a compromise. This clause provided, that in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of 36 degrees 30 minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude "should be forever prohibited." The designs of the pro-slavery members were developed in the act admitting Missouri, to the astonishment not only of the North, but of the Nations. The act provided for organizing a slave State, out of territory lying north of 36 degrees 30 minutes north latitude; and then, having secured this State to slavery, it promises not to do so again. The act is silent about territory south of that parallel. The implication is, that there slavery may go. This act was resisted by the free North, as a flagrant violation of the fundamental principles of the Declaration of Independence, of the Constitution, and of the fair understanding of all parties in the beginning. It was finally carried by a few votes from the free States. The men who gave these votes were justly branded by the member from Roanoke, DOUGHFACES—and they received their reward. They lost *caste* with all consistent friends of constitutional liberty, and soon sunk away into contemptuous obscurity. Their deserved doom may well be regarded as a warning to all Doughfaces who desert their constituency, and disregard the principles of the DECLARATION and the CONSTITUTION. The friends of liberty and right, everywhere in the free States, were alarmed and aroused. They repudiated the act, as a compromise, and have continued to repudiate it to this day. Here was the beginning of our present perplexities.

Again: about that time, a course of oppressive and unconstitutional legislation was commenced in South Carolina, and soon imitated by several other slave States, which has thus far been persisted in. That system of legislation assumes the right of a State to seize, at her sole discretion, a citizen of Massachusetts, or of the other free States, and cast him into prison, without alleging against him the commission of any crime, and solely because he is found engaged in his lawful business, on board of a ship touching at her port. It assumes the right not only to imprison, but to sell into returnless bondage, human beings, born in freedom—unoffending—entitled, by the Constitution not only of Massachusetts, but of the United States, to the fullest security of life, liberty, and property, as well when following a lawful business on ship-board, as when at home. It assumes the right of a State to refuse to submit her legislative acts to be judged by the Supreme Court—the tribunal designated by the Constitution as the final arbiter of the constitutionality of such acts. And it goes yet further, and claims the prerogative of punishing, by fine and imprisonment, a citizen from another State, who questions the validity of such legislation, and seeks, in a lawful manner, to test it before the constituted tribunals. All this is in defiance of the plain and express stipulations of the Constitution of the United States. When our fathers remonstrated against the oppressions of the mother country, in 1774, "they held it essential to English liberty, that no man be condemned unheard, or punished for supposed offences, without having an opportunity of making his defence." In the list of offences charged upon George and his ministers, there is not one so arbitrary and oppressive as these acts committed upon some of my constituents, in consequence of this Southern legislation. And now, the only answer we receive to our protests against these oppressions is, that the North is aggress-



sive, and the Union is in danger. Let me tell gentlemen, that these unconstitutional and cruel acts have aroused the indignation of the people of every free State in this Union. This it is that has kindled a flame that many waters cannot quench.

Again: if the historians who have recorded the facts are reliable—and I know of no reason for doubting—the war with some five thousand Indians in Florida—a war which lasted seven years, and cost the nation thirty millions of dollars, and many thousand lives—was engendered by the aggressive demands of slavery.

Again: the annexation of Texas, the Mexican war, and the acquisition of California and New Mexico, and all our present agitations and alienations, and gloomy and perilous anticipations, are the fruits of the slavery-extension spirit and policy. The acquisition of these countries, and the whole expenditure of treasure, and life, and principle, which they have cost, as well as all the evils that threaten us, or are upon us, or are yet to come, be they as they may, and what they may, even though they continue a hundred or a thousand years, and though they should involve the total subversion and final overthrow of the Republic, and bring upon this beautiful and blessed land a despotism more cruel and more relentless than any that has yet cursed the earth—and though in the progress of scenes thus developed, our valleys, now covered with corn, should be wet with the blood of our children, and wailing and woe should everywhere resume the places of mirth and bliss—all, *all*, ALL, will be chargeable to the spirit and the policy, that for a quarter of a century have been seeking and working the extension of the area of slavery. The acquisition of Texas and the Mexican provinces should always be united together as one affair. The annexation was the cause of the war; and the result of the war is, we have Texas, New Mexico, and California. These acquisitions have not been the work of a day—twenty-five years have been occupied upon it. And it is this work that has aroused the free people of the free States, so that one pulse beats from Maine to Oregon: it is the pulse of liberty—liberty for man—liberty for every man, whose domicile is on soil now free. The sole, the acknowledged, the avowed purpose of acquiring Texas, California, and New Mexico, was to extend the boundaries of slavery and the power of slaveholders. Among other avowals of the Southern press, I will quote two or three. Said the *Charleston Patriot*:

“We trust that our Southern Representatives will remember that this is a Southern war.”

Said the *Charleston Courier*:

“Every battle fought in Mexico, and every dollar spent there, but insults the acquisition of territory, which must widen the field of Southern enterprise and power for the future, and the final result will be, to adjust the whole balance of power in the Confederacy, so as to give us the control over the operations of the Government in all time to come.”

Here we have the truth, the whole truth, and nothing but the truth.

That war, to secure the acquisition of Texas and the Mexican provinces, made and sustained for the purpose of extending the area and the influence of slavery, was most destructive of human life, and most expensive of national treasure. No estimate that I have seen puts the number of lives at less than twenty thousand. The direct pecuniary expenditures were not less than one hundred millions of dollars. The indirect expenditures, including the money to be paid Mexico for the ceded territory, the claims for bounty land, the interest to be paid, for many years, on borrowed money, and the drafts for pensions, and various indemnities for losses and injuries, all of which will not be paid in fifty years—these will equal another hundred millions. Two hun-



dred millions of dollars, and twenty thousand lives—to say nothing of a great multitude of other evils—all expended for the extension of slave territory, and the perpetuity of slave power! This—this it is, that has aroused the North, and nerved them anew for liberty and right. Should California and New Mexico be surrendered to the demands of slavery, their acquisition must be regarded as a direful calamity by all who hold slavery to be alike hostile to the benevolence of God, and the happiness of man.

The idea recently promulged, that Massachusetts was indifferent about the annexation of Texas, with slave territory, to this Union, is a great mistake. The people of that State were aroused to a very high degree, in opposition to the measure. Delegates from all parties and all parts of the State, met in Convention, in Faneuil Hall, to protest solemnly against it; a distinguished jurist—Hon. Judge Williams—was its President. I was a member of that Convention. Among other resolutions passed, was this:

“*Resolved*, That there is no constitutional power in any branch of the Government, or all the branches of the Government, to annex a foreign State to this Union.”

The Legislature of that State passed resolutions, of which this is one:

“*Resolved*, That the people of Massachusetts will never consent to use the powers reserved to themselves, to admit Texas, or any other State or Territory now without the Union, on any other basis than the perfect equality of freemen; and that while slavery or slave representation forms any part of the claim or condition of admission, Texas, with her consent, can never be admitted.”

And what possible claim have slaveholders to California and New Mexico? They have possession of Texas, and this is double their share of the plunder. In justice to the free people of the country, they ought, in all fairness, to relinquish to freedom a part of that State.

The free States have a territory of 454,340 square miles. The slave States, including Texas, have a territory of 936,318 square miles. If California and New Mexico, comprising 526,078 square miles, are admitted as free States, the slaveholders will still have more than their fair and just proportion of the country.

Again, sir: The honorable member from Florida, [Mr. CABELL,] in his recent speech, inquires, “What possible evil can be done by extending slavery?” Let us see: The free States have double the population of the free people of the slave States. And no law can pass the Senate—and no law can be passed by this Government—without the concurrence of slaveholders. They have a veto on every resolution, and every measure, and if “every man has his price,” they thus possess the means of paying it. Appointments are made by the President, with the concurrence of the Senate. Of course, slaveholders have a veto on every appointment, and no man can be appointed to office but by their approval; and it has always been so. Slaveholders rule the nation, and have always ruled it. At this moment they have the President, and the Cabinet, and the Speaker, and the important committees in both Houses, and the Supreme Court, and the foreign ministers, and the officers of the army and of the navy. If the present incumbent serves his full term, they will have had the Presidents fifty-two years, and the North but twelve years and one month. Slaveholders have held the post of Secretary of State more than two-thirds of the time. Of the Judges of the Supreme Court, they have had eighteen, and the North fourteen. In 1842 we were represented at foreign courts by nineteen ministers and charges d’affaires—thirteen of whom were slaveholders; and this has been about the usual proportion.

Again: the South have a preponderating influence, arising from inequality



of representation. Each of the members of this House, from Massachusetts, represents (according to the census of 1840) 73,760 persons. This is about the average representation from the free States; whereas, each of the members from Georgia represents less than 50,000 free persons, and each member from South Carolina less than 40,000 free persons; and on an average, each member from all the slave States represents less than 55,000 free people. The balance of their constituency is their slave property. This property, amounting, as the honorable gentleman from Georgia, [Mr. Toombs,] states, to fifteen hundred millions of dollars, is represented on this floor by about twenty members. We may very properly inquire with Mr. Morris, upon what principle it is, that slaves are computed in the representation? If they are men, then let them be treated like citizens, and vote like other citizens; if they are property, then let Northern property have equal privileges. Nor is this all. The political influence exercised in the election of the Chief Magistrate, shows an immense disparity in favor of slaveholders. The operation of the rule of Federal numbers, by which five slaves (claimed by slaveholders as their property) are counted as three freemen, produces results worthy of special notice. Take the election of 1848 as an example of other Presidential elections. Two hundred and ninety electors were chosen—169 from the free States, and 121 from the slave States. The popular vote in the free States was, 2,029,551, giving to each elector, 12,007 votes. The popular vote in the slave States was, 845,050, giving to each elector, 7,545 votes. South Carolina is not taken into this account, as she chooses electors by the Legislature. This disparity is seen more clearly, by examining the returns of several of the States. New York gave 455,761 votes, and chose 36 electors. Virginia, Maryland, and North Carolina, gave 242,547 votes, and chose 36 electors. Ohio gave 328,489 votes, and chose 23 electors. Delaware, Georgia, Louisiana, Alabama, Arkansas, Florida, and Texas, gave 237,811 votes, and chose 38 electors. This shows the disproportionate share of influence enjoyed by slaveholders in choosing the President; and yet, in every speech they make upon this floor, now-a-days, the cry is rung and reiterated—Inequality, injustice, Northern aggression! and now, unless they can have further indulgences, they threaten to dissolve the Union. Verily, the plain English of this slaveholding alternative is **RULE OR RUIN.**

Again: why, say Southern gentlemen, should the North care for slavery? I ask, why should the North not care for it? While in this Republic—whose boast of freedom grows louder and louder constantly—I say, while here the dissolution of the Union is stoutly threatened, unless we will extend and perpetuate slavery, its condemnation has been decreed elsewhere by the voice not only of the civilized, but of the semi-civilized, world. In Austria—yes, royal Austria, despotic Austria—it was “declared, in 1826, by an ordinance of his Imperial Majesty, the Emperor, that any slave, from the moment he treads the soil of the imperial and royal dominions of Austria, or even merely steps on board an Austrian vessel, shall be free.”

Several of the Spanish provinces of South America, extending from the Atlantic to the Pacific oceans, having thrown off the yoke of the mother country, in 1828, “proclaimed freedom to all the slaves.”

The British Government, in 1834, by a single act, proclaimed freedom to her eight hundred thousand slaves in the British West Indies.

In 1846, the Bey of Tunis, at the head of two millions of people, declared his sovereign pleasure in these terms:

“The servitude imposed on a part of the human kind, whom God has created, is a very cruel thing, and our heart shrinks from it. Now, therefore, we have thought proper to



publish, that we have abolished man-slavery throughout our dominions, inasmuch as we regard all slaves who are on our territory as free, and do not recognise the legality of their being kept as property."

In 1848, the King of Denmark proclaimed, "that all unfree in Danish West India Islands are from to-day (July 3d) emancipated."

In France, in 1848—when the King had been driven from his throne, and the nation was emancipated—the first important act that followed, was to strike off the chains from the limbs of the slaves, in the remotest portions of the Republic.

We turn to Mexico. A decree was issued in September, 1829, by General Guerrero, the President, for the entire abolition of slavery. That decree contains these memorable words :

"Being desirous to signalize the anniversary of Independence by an act of national justice and beneficence, which may redound to the advantage and support of so inestimable a good—which may tend to the aggrandizement of the Republic, and which may reinstate an unfortunate portion of its inhabitants in the sacred rights which nature gave them, and the nation should protect by wise and wholesome laws—I, the President, have resolved to decree, that slavery is, and shall remain, abolished in this Republic."

Noble decree ! set forth in noble terms. In 1837, April 5th, the General Congress of Mexico passed a law in these words :

"Slavery is abolished, without any exception, in the whole Republic."

In the Constitution of Mexico, adopted and promulgated June 12th, 1843, the subject of slavery is thus disposed of :

"No one is a slave in the territory of the nation, and any introduced shall be considered free."

The application of the principles of the Ordinance of 1787 to all her territories, was made by Mexico herself, prior to the cession under the treaty of Guadalupe Hidalgo. I believe we, as her successor, are bound by international law—by the law of justice—by the law of kindness—by the law of prudence—by the law of expediency, to apply this principle now, seeing the ceded territories are part of the free territories of the United States. The complaint, that, by applying it to New Mexico, we taunt the South, comes with no good grace from the counsellors of a free Republic.

Mr. Chairman, I am resolved to apply the Proviso to that territory—not to injure any one's feelings, nor to wound any one's pride—but because it is constitutional and right, and, as I judge, eminently a prudent and practical measure. The application of this principle to the Northwest Territory, was a prudent and practical measure. I believe its application to California and New Mexico, will be no less so. Without the application, Illinois—noble Illinois—would have been a slave State. She did but just escape being so, with the Proviso upon her. If it be not applied to California and New Mexico, in my opinion, they, in no long time, will be slave States. I will, therefore, vote to apply it to both of them, and to all other free territory, wherever, and as often, as the occasion occurs.

The syren song of no Wilmot Proviso for New Mexico, is calculated to bring in that Territory as a slave State. The only hope of freedom there, is in the application of the Proviso in the first organic law. The idea that slavery is limited by mountains or plains, by soil or climate, by occupation or latitude, is an absurdity. Were slaves allowed in California or New Mexico, any one conversant with the history of the last sixty years, will see that those countries would be overrun with slavery in a twelvemonth. The honorable member from Virginia, [Mr. MEADE,] frankly declares, in his speech :

"But for the fear of robbery under the forms of law, there would be at least fifty thou-



sand slaves in California by the first of December. It is the best field for such labor now in America, and it would be invaluable to us as a means of thinning the black population. When people say that the climate and productions are unsuited to slave labor, they are either endeavoring to deceive, or are deceived themselves."

Mr. Chairman, I am willing—yea more, I am resolved—to use the first, the second, and every occasion, to apply the Proviso of '87 to every acre of free territory we now possess, or may possess. I would apply it to territory, lie where it may—to Greenland, Nova Zembla, Cuba, Yucatan, the Arctic and Antarctic regions, and to the Torrid Zone—to any and every part of the earth's surface, if it belonged to the United States. If a bill for organizing any territory is reported to this House, without the Proviso, while I have the honor of a seat in it, I will move and vote for its insertion. Every member has a right to his own judgment. This right belongs to others—it belongs to me. I have formed my judgment of the value, and necessity, and constitutionality of the Ordinance of '87, deliberately—I have avowed it frankly. And now, alone, or not alone—sink or swim—live or die—let who will abandon it, I will adhere to it. I will adhere to it in all places—at all times—under all circumstances. In no case will I participate in extending the slave power into free territory. No, never! In no case will I participate in withholding the Ordinance of '87 from free territory. No, never!

Again: gentlemen put their defence of slavery upon the Bible—they grasp the horns of the altar, as if fleeing from the terrors of the avenger's arm. The honorable gentleman from Florida [Mr. CABELL] states, that the angel directed Hagar, the handmaid of Sarah, to return and submit herself to her mistress, which he seems to consider conclusive. Why did he not state the fact, that soon after her return, Abraham, by command of God, emancipated her and her son?

The honorable gentleman from Alabama, [Mr. INGE,] speaking of slavery, says:

"It would seem to be profanation to call an institution of society irreligious or immoral, which is expressly and repeatedly sanctioned by the word of God—which existed in the tents of the patriarchs, and in the households of his chosen people."

An honorable Senator, [Mr. DAVIS, of Mississippi,] in a speech recently delivered, says:

"I do not propose to discuss the justice or injustice of slavery as an abstract proposition. \* \* \* \* It is enough for me to know that it was established by decree of Almighty God—that it is sanctioned in the Bible—in both Testaments—from Genesis to Revelation."

The meaning, obviously, of the gentlemen who thus speak, is, that slavery, as it exists in some of these States, is sanctioned by the Bible, and is in accordance with the all-wise decree of the Omnipotent and Holy God. Here I take issue with the gentlemen; I deny most unequivocally, that slavery, as it exists in these States, is sanctioned in the Scriptures, or supported by Divine authority. And I shrink not from the opportunity to make this denial here on this floor, and to pledge myself to make it good. Slavery—I mean American slavery—is condemned by the doctrines, commandments, and precepts of the word of God; and whenever the teachings of this book are observed and obeyed, slavery, in its American form, will cease. If we would know whether the Bible sanctions American slavery, we must know what American slavery is. A constituent element is one thing, a relation is another thing, an appendage is another. What is the intrinsic, the unchanging, the essential element of American slavery? I answer, American slavery reduces man—a man created free, and equal to all other men—it reduces him to property. It makes free, moral agents, chattels. It converts persons into



things—it sinks a rational creature into merchandise. An American slave can own nothing—can acquire nothing. Slavery annuls his right to himself. If he uses these terms—my hands, my eyes, my tongue, my body, my mind, myself—they are mere figures of speech. If an American slave uses himself for his own benefit, he commits a crime. If he keeps and appropriates what he earns, he is thereby a thief. To take his own body into his own keeping, is insurrection; and *death* must be his doom for the deed, if he persevere. American slavery subjects men like ourselves, to be bartered, mortgaged, bequeathed, invoiced, shipped in cargoes, stored as other goods, taken on execution, as are cattle, and knocked off at public auction. It makes a man's rights—a man's deathless nature—a man's conscience, affections, sympathies, hopes—a marketable commodity. It robs him, not of privileges, but of himself. It loads him, not with burdens, but makes him a beast of burden. It restrains not liberty—it subverts it. It does not curtail rights—it abolishes them. In a word, American slavery sinks man into a machine—annihilates personality—despoils a human being of rational attributes—unmans a man. Such is American slavery. Lest the above definition of American slavery may seem overdrawn, I quote from the statutes of two of the slave States. The law in South Carolina, reads thus:

“Slaves shall be deemed, held, taken, reputed, and adjudged, in law, to be chattels personal, in the hands of their owners and possessors, and their executors, administrators, and assigns, to all intents, constructions, and purposes, whatsoever.”—*Brenvard's Digest*, 229.

“A slave is one who is in the power of a master, to whom he belongs; the master may sell him, dispose of his person, his industry, and his labor; he can do nothing, possess nothing, nor acquire anything, but what must belong to his master.”—*Civil Code of Louisiana*, article 35.

This is slavery, as it now exists, in some of these States. Does the Bible sanction it? I answer, nowhere, in no manner. The Bible condemns it totally, absolutely, and in every essential feature of it. The Decalogue delivered on Mount Sinai, by the infinite God, condemns it; and I see not how any person can keep and carry out these ten commandments, and support this system of bondage. A species of servitude did prevail among the Jews, in the days of the patriarchs; but that servitude was liberty itself, compared with American slavery. Those who were held to service then, were protected in their persons—in their social relations—in their religious privileges—in all their essential rights. And if they were Jews, their servitude terminated at the end of six years; if they were not Jews, it terminated in the year of jubilee, which came around every fiftieth year. For a Hebrew to steal one of his brethren, or to make merchandise of him, or to steal any man, and sell him, or hold him in bonds, was a crime of the highest enormity, and punishable with death.

“Moreover, God said, thou shalt not deliver unto his master the servant which is escaped from his master unto thee; he shall dwell with thee, even among you in that place which he shall choose, in one of thy gates, where it liketh him best.”

Slavery existed in Greece, as Homer has told us; but highly-colored as his Asiatic pictures of domestic life and domestic slavery were, he shows that it was only captives taken in war that were slaves. Moreover, slaves at Sparta, and Corinth, and Athens, were under the protection of law. If used severely, an Athenian slave could take refuge from the cruelty of his master in the Temple of Theseus.

Slavery existed at Rome, too; but Roman slaves could acquire property, and enjoy many legal rights. If sold, husband and wife, parent and child, could not be separated. There was no bar to emancipation; and the slave,



when emancipated, became at once a citizen. The slavery of Greece and Rome was freedom itself, compared with American slavery. Besides, Grecian and Roman slavery were in keeping with the iron heathenism of those times. American slavery exists in the nineteenth century, amid all the light, improvement, and knowledge, of this advanced period of the world; and it exists in a nation, the embodiment of whose organic law is equality and liberty for all men. Slavery exists here, while it has ceased to exist in most other nations; and it exists here in a more cruel and relentless form, than it ever assumed elsewhere, since creation's dawn. The apology offered for its existence here, is, that the cultivation of a great staple requires it. I do not see the force of the apology. Cotton can be cultivated twenty-five per cent. cheaper with free than with slave labor. If it were not so, sooner than hold in bondage a fellow-man, entitled, equally with myself, to the immunities of a man, I would readily fall back where we were when Jay's treaty with England was made, in which the cotton trade was not deemed worthy of notice.

Mr. Chairman: American slavery is in direct antagonism, not only to the premises on which rest the Declaration and the Constitution, but to all the great principles of the ethics of the Bible. While it is congenial with nothing in our political principles, it is a perpetual reproach to our professions, both of freedom and of Christianity. As gentlemen have appealed to the Word of God, in support of the institution, I hesitate not to face them on that *magna et maxima charter* of human rights and privileges. The spirit of the Mosaic code, and of the Christian code—the spirit of the whole book is repugnant to slavery—is destructive of slavery: it is the spirit of universal freedom, and therefore the genius of universal emancipation. The great law of the Saviour—requiring every man to love his neighbor as himself—and that, also, which requires us “to do to others as we would have others do to us,” are applicable to Africans, as well as to Anglo-Saxons. These laws of the great Founder of Christianity are yet binding. If heeded and applied, they will cut up human slavery—root and branch—here, and everywhere. In accomplishing the grand design of his earthly mission, Jesus Christ did not give his instructions the aspect of a treasonable conspiracy against the power of Rome. He taught a system of truth, involving principles, the inevitable result of which, so far as they are applied, will subvert every custom, and every domestic institution, at variance with the purest liberty and the highest glory of man. These principles are in direct opposition to American slavery, and will overthrow it wherever they are adopted.

Mr. Chairman: American slavery assumes, that the relation of master and slave is not the relation that exists between man and man, but that it is the relation that exists between a man and a mule; that the master has rights that the slave cannot claim; and that a slave has no rights at all, except as they are merged in those of the master. Now, these assumptions are gratuitous and monstrous. They are entirely annihilated by the principles taught in both Testaments—especially the New. The Son of God teaches, that all men have a common origin—a common apostacy—common rights—a common destiny—and need a common redemption. Acting under his instructions, you can never make a slave, nor retain a slave. Whenever and wherever those instructions are adopted, American slavery will cease.

Who can estimate the importance of their adoption and application, at the present time—in this, our republican country—a country, in size equal to the whole of Europe—Russia excepted; and half as large as the British Empire, including all her colonies in Europe, Africa, Asia, and America; a country, extending from the great Gulf on the south, to the Lakes, in the region of the



highest habitable latitude, on the north, and stretching across the entire continent, from ocean to ocean—including the greater and better part of all the habitable lands on the earth, within the northern temperate zone—and furnishing, as De Tocqueville justly said, “the most magnificent dwelling-place for man, to be found on the globe.”

Our Southern friends urge us to go home, and put an end to abolitionism, and restore harmony to the country. As well might they bid us stop the waters of Niagara, or the rolling planets, or to quench the light of the sun. So long as nature’s laws operate, and the God of nature moves forward the solar system, those waters will fall—those planets will roll—that sun will shine; and so long will the great law of liberty and equality be in force, working out its beneficent results, and no human effort can avert its influence.

Slavery is in opposition to truth. However it triumphs for a season, it cannot long predominate.

“Truth, crushed to earth, will rise again;  
The immortal years of God are hers.”

Mr. Chairman: The present is a crisis for constitutional and righteous action—for a calm, firm, and comprehensive avowal of the great principles of freedom and justice; principles which are deeply wrought into the hearts of the people—the great heart of the nation. It is no proper time—no fit occasion—for compromises—for compromises of liberty with slavery—of right with wrong. As an honest man, and the humble representative of a constituency, in the midst of whom are the Rock of Plymouth and the graves of such pioneers of liberty and justice as Carver, and Bradford, and Brewster, and Winslow, and Standish—I cannot consent to peril the rights of my fellow men, nor to put in jeopardy the highest and dearest interests of my country, by a league with American slavery. Were I to consent, I should do violence to my own feelings, and, as I doubt not, to the feelings of those by whose favor I occupy a seat on this floor. Sooner than do either, “let my right hand forget her cunning, and let my tongue cleave to the roof of my mouth.” Our Constitution, embodying, confessedly, the best form of civil government ever framed, (a Government that has existed a twenty-seventh part of the Christian chronology, and an eighty-fourth part of the period of man’s abode on earth,) seems equally fitted for thirteen or thirty, or thrice thirty States, provided the original design of it be adhered to. Let that design never be overlooked by any act of legislation in this hall—let it be wrought into every measure—let it be inscribed on every law. Then shall this Government stand while these marble pillars abide, and this land shall be the glory of all lands, and a light for all nations.



















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